

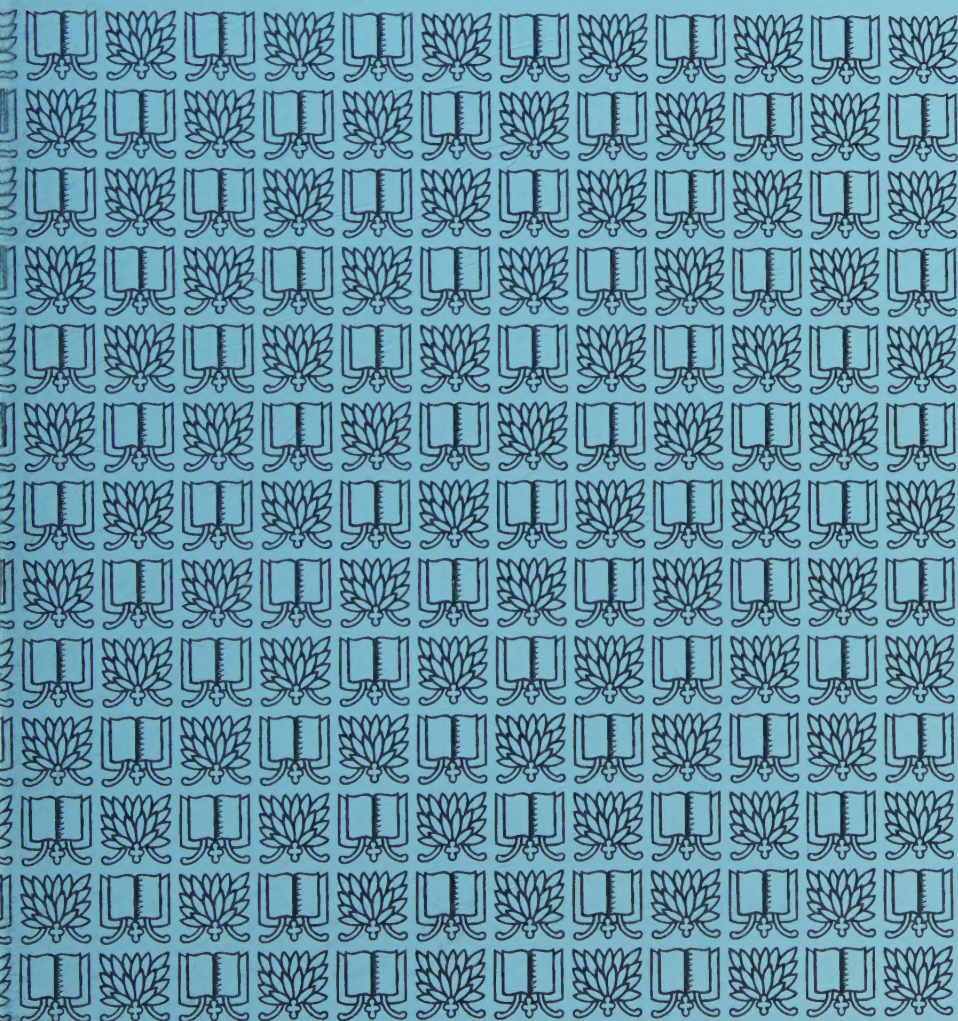
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“Standing on the Shoulders of Giants”: Re-tuning John O’Neill’s Theory of the Blasphemy Charge against Jesus.

Dr Fergus J. King

ABSTRACT

The late John O’Neill repeatedly argued that a Jewish Law about claiming to be the Messiah lay at the root of the charge against Jesus. This demanded that Jesus never speak of himself as Messiah. O’Neill elaborated an elaborate series of arguments to show that Jesus maintained silence about his status. This paper summarises and analyses O’Neill’s various writings and suggests that this thesis, as it stands, that Jesus was condemned for breaking a law about claiming to be the Messiah does not hold up. An examination of some Philonic evidence, however, yields traces of a legal charge based on self testimony -which might form the basis of a charge against Jesus. The charge focuses on the nature rather than substance of the claim, as O’Neill asserted, and gains some support from recent research on identity formation.

Introduction

John O’Neill’s controversial views about the charge of blasphemy levelled against Jesus are a recurring feature in his studies of the Gospels. Starting with his 1968 article, he returned to this theme in 1970, 1980, 1995 and 2000¹. He engages in particular with two

¹ John C. O’Neill, “The Silence of Jesus”, *NTS* 15 (1968), 153-67; “The Charge of Blasphemy at Jesus’ Trial before the Sanhedrin”. Pages 72-83 in Bammel, E. (ed), *The Trial of Jesus: Cambridge Studies in Honour of C.D.F. Moule* [Studies in Biblical Theology : Second Series- 13], London: SCM, 1970; *Messiah: Six Lecture of the Ministry of Jesus*, Cambridge: Cochrane Press, 1980, 103-115; *Who Did Jesus Think He Was?*, Leiden: Brill, 1995, 52-4, 150-53, 172-4; *The Point of It All: Essays on Jesus Christ*

traditions, one recorded in Mark (Mark 14:62), and the other in John (19:7, 21) about the charge for which Jesus was put to death. However, this exact claim must first be set in the wider context of O'Neill's handling of Jesus' silence.

O'Neill & the Silence of Jesus

In his first treatment of this theme, O'Neill typically places himself within a critical tradition in which he marks his respect for his predecessors². From William Wrede's "messianic secret" he worked through Rudolf Bultmann's development of this hypothesis, grounded in the axiom that Jesus neither claimed nor thought himself to be the Messiah. He finds crucial the problem raised by Bultmann, namely, that whilst Jesus cannot be divorced readily from the message which he proclaimed, there are few points at which he either claims or accepts a messianic title. Furthermore, the bulk of these are of dubious authenticity. His conclusion is this:

‘I do not think the occasions where Jesus claimed Messiahship or accepted the confession of others are authentic reports: nor do I think that Jesus used any other messianic title with the intention of conveying another view of Messiahship.’³

He then addresses the uses of *χριστός* and *ὁ υἱὸς τοῦ ἀνθρώπου* (hereafter, ‘Christ’ and ‘Son of Man’). O'Neill concludes that Jesus never taught his disciples he was the Messiah (otherwise the question at Caesarea Philippi would be redundant) and accepted any such

(Theological Seminar Series, 1), Leiden: Deo, 2000, 54-58, 73-96, esp.89-92.

² This is the reason for the title of this essay. It is an aphorism cited variously by Bernard of Chartres, Isaiah di Trani, Isaac Newton and Samuel Coleridge. In private correspondence to the author, O'Neill used it once to describe his own place in relation to the critics of previous ages. It seems fitting therefore to re-apply it to a critique of his own work.

³ O'Neill, "Silence", 156-7.

description in the third person only, not directly⁴. In the trial before the Sanhedrin, O'Neill's approach is more contentious arguing that the shorter and more familiar text is not original and that the 'I am' of verse 62, should be preceded by 'You say that [I am]' following a minority textual tradition, supported by the longer responses found in Matt 26:63 and Luke 22:70, and claiming that neither would have an independent reason to add to the shorter Marcan answer⁵. Thus O'Neill eliminates the direct uses of Christ from the equation.

A similar strategy informs his treatment of Son of Man, noting that the phrase may be used as a self-designation, or a title. When these are examined closely, the titular uses refer, with a couple of exceptions, to the Son of Man as judge, and the self-designations refer to Jesus' earthly mission and future. He concludes that:

“son of man” is not a title in the genuine sayings, and cannot be used to support a theory that Jesus deliberately adopted a new and perhaps unusual title in place of messiah to indicate that he interpreted his messianic role differently from his contemporaries.⁶

From this rather bleak assessment of the Messianic significance of Jesus' sayings, O'Neill then argues that three of his actions are Messianic in nature: his Baptism by John, the meals at which he presided in the desert places (Mark 6:32-44 and par.; Mark 8:1-10 and par.; John 6:1-15; Luke 24:13-35; Acts 2:42), and his decision to go to Jerusalem at the Passover. This leads him again to question why he chose to remain silent, if his actions showed a Messianic self-understanding. He proposes that a genuine Messiah would avoid

⁴ In his recording of the tradition two dominical statements are conflated, but these do not amount to explicit assertions of Jesus' Messiahship, but, instead, reaffirm Mark's theory that Jesus could not be openly confessed as Messiah until he had suffered died and been exalted. See further O'Neill, "Silence", 157.

⁵ O'Neill, "Silence", 158.

⁶ O'Neill, "Silence", 161-2.

making such a claim. First, contemporary accounts of various “messianic” leaders of various stripes all share a common feature: the lack of any claim to be the Messiah⁷. Second is the rabbinic idea that only God could announce and enthrone the Messiah, implying it is not appropriate for the Messiah to identify himself (*Beth ha-Midrah* iii.73.17). The third is Acts 5:34-9- essentially a repeat of the Theudas tradition found in Josephus. Fourth, John 19:7 claims that to make oneself the son of God was a blasphemy.

The 1970 article revisits a number of these themes, with a particular focus on the charge brought against Jesus at the Sanhedrin trial. Such charges cannot relate to prophecies to destroy the temple, or a claim to be equal to God⁸. Other potential blasphemous identifications are explored and rejected as unfit for the purpose of the trial⁹.

John 19:7 is presented as a ‘cold legal fact’: effectively the only possible charge¹⁰. The blasphemy thus consisted in the pronouncer taking to himself God’s prerogative to declare the identity of the Messiah, echoing the rabbinic tradition of *Beth ha-Midrah* (above). In the final section of this article, O’Neill brings further external

⁷ O’Neill, “Silence”, 165-66.

⁸ O’Neill, “Charge”, 73.

⁹ The forgiving of sins (Mark 2:7 and par) does not fit when the scribal reaction is seen as an editorial interpretation of the scribes’ views than an historical one, see further O’Neill, “Charge”, 73. John 8:58 is ruled out as an editorial device rather than an authentic saying. Similarly 5:9b-18, the claim to have the right to work on the Sabbath, is considered unlikely to be based on an actual dispute. John 10:33, a claim to be God’s son, is also ruled out on the grounds that the reduced claim (which would see all who receive God’s word as son of God) is an editorial gloss, and the real issue, with its suggestion that the blasphemy is to call the Messiah God’s son is shown to be irrelevant given some of the promises of Scripture (2 Samuel 7:14a; 1 Chronicles 17:13).

¹⁰ O’Neill, “Charge”, 75. Given the remarks of John 10:36, it is not the claim that the Messiah is God’s Son which could be considered blasphemous, but rather a claim to be that person.

evidence in support of his claim from contemporary literature¹¹, and concludes:

‘the technical charge upon which Jesus was condemned to death by the Sanhedrin may well have been that he blasphemed in making himself God (John 10:33) by presuming to say he was the Son when the Father alone knew who the Son was (Matt 11:27; Luke 10:22).’¹²

In *Messiah*, the printed versions of the Cunningham lectures delivered at New College in the University of Edinburgh, O’Neill revisits two issues: what John the Baptist thought of Jesus (Chapter 1) and Son of Man (Appendix 2). He restates his position that John points to the Jesus as the one to come (the Messiah)¹³.

The review of Son of Man takes into consideration more recent research on the phrase and the recognition of both titular and non-titular uses. He directs his attention again to showing the titular Son of Man is not used by Jesus, but the reliable instances of its use which can be attributed to him are rather to be translated as “a man”, either himself, or one about whom a question is raised¹⁴.

In 1995’s *Who Did Jesus Think He Was?*, O’Neill returned to the question for a fourth time. The familiar elements are again present: that Jesus made no direct claim to be the Messiah and Son of Man¹⁵.

¹¹ Ps. Sol. 17.22, cf. Matthew 11:25-7; Luke 10:21-2.

¹² O’Neill, “Charge”, 77.

¹³ He suggests that both Acts 19:24-8 and 19:3-5 suggest that the followers of John were baptised and given information about Jesus. He further argues that accounts of both the baptism of Jesus and the sending of the delegation to Jesus record respectively John’s estimate of what happened and an historically reliable account.

¹⁴ O’Neill, *Messiah*, 103-15.

¹⁵ On this occasion, the treatment of Son of Man uses Richard Horbury’s article as its launching point: O’Neill proposes that the titular usages which appear in the Gospel are not authentic because they are Jewish in origin

He then details his methodology. First, he wishes to discount arguments that would see his case stand or fall on the weakest evidence. Second, he argues that sayings are not simply authentic or not: authentic sayings may have been reworked into inauthentic forms by the writers of the material in our possession. Third, he identifies “rules of thumb” rather than precise rules mechanically applied. It is worth quoting these in full:

‘Suspect of inauthenticity any saying that expresses a prominent belief of the early church, and, Regard with favour as a saying likely to be authentic any saying that uses terms or expresses ideas not found in the writings of the early church.’¹⁶

The end result, to cut through 22 pages of densely argued findings, is:

‘Jesus never did in fact state in so many words that he was the Messiah, nor did he ever deny that he was the Messiah.’¹⁷

This theme makes its final appearance in 2000’s *The Point of It All*. Here, O’Neill addresses a key question raised by Craig Evans and Graham Stanton: where can the law of which he speaks be found.

rather than arising from the later Christian traditions. However, in Chapter 8, O’Neill expands the material under consideration far beyond his previous focus on the title. He identifies 7 categories of saying: use of exalted titles apparently used as self-references, Jesus’ words used against him by his enemies, implicit claims which are the equivalent of Messiah, hints of being the Christ, sayings about “me/my Father” which might indicate his status as the Messiah, apparent denials that he was the Son of God, and occasions when he did not directly questions about status. O’Neill then advances his case by arguing the (in)authenticity of the sayings in the first five groups, showing that the sixth group are not, in fact, denials of being the son of God, and that the evasive answers are genuine records.

¹⁶ O’Neill, *Who?*, 140.

¹⁷ O’Neill *Who?*, 163.

The immediate text cited is John 19:7¹⁸, the second is 1 En. 62:7, which is considered to imply the rule¹⁹. This is backed up by the assertion that one mark of the Antichrist is to claim to be God²⁰. O'Neill goes further and argues that Mishnah *Sanh.* 11.5 implies a prohibition on speaking what may be true but not yet released by God, and this includes Messianic claims²¹. Finally, Hebrews 5:4-5 in which the Aorist is translated as a gnomic: the Messiah is not to glorify himself. O'Neill takes this as proof for the existence of the law he claims in Jerusalem before 70 CE.

With this, our summary of O'Neill's thesis is complete. It has moved progressively through a number of stages, often through engagement with his critics. It would appear his final verdict is that there is a law that the Messiah could not make such a self-claim, and that Jesus took care to avoid so doing by a careful use of the son of man titles which are considered self-referential rather than titular.

Objections to the Theory

Objections to the theories presented are numerous. For, at almost every point, we are dealing with matters of interpretation whose resolution is far from clear. Let us consider them under the following headings:

- i) the titles
- ii) the "Trial" of Jesus
- iii) external evidence
- iv) limited focus.

¹⁸ O'Neill, *Point*, 89.

¹⁹ O'Neill, *Point*, 90

²⁰ O'Neill, *Point*, 90.

²¹ O'Neill, *Point*, 90-91.

i) The Titles

Space does not permit, in an article of this type, a case by case statement of the possible alternative readings of each of the Son of Man sayings, but it suffices to say that those who argue strongly for titular uses of the saying in which Jesus is seen to declare himself the Messiah will find themselves at odds with O'Neill's interpretation of the sayings as a whole. Thus for example, in his monograph on the charge of blasphemy, Darrell Bock argues for conclusions very different from O'Neill's. Citing the criterion of multiple attestation, he argues there is no doubt that Jesus spoke of himself as the apocalyptic Son of Man, that it is inconceivable that the titular usage was retrojected onto the lips of Jesus by the early church, and that it makes little or no appearance outside of the non-Gospel NT literature²². Raymond Brown, too, whilst admitting the possible influence of later Christian language states that the final form of Mark 14:62 (and that means Jesus' self-identification with the Son of Man) '*may be* (italics mine) close to the mindset and style of Jesus himself'²³.

O'Neill's use of text-criticism will also not convince some. At several points, his argument hangs on disputed readings of text and the identification of phrases as glosses or editorial remarks, which will weaken his thesis in the eyes of those who tend towards the majority readings²⁴. His preference for the longer, disputed variant reading of Jesus' reply in Mark 14:62 not only may be questioned by the manuscript evidence which weighs decisively against him, but also by the basis principle of *lectio difficilior potior*, where the

²² Darrell L.Bock, *Blasphemy and Exaltation in Judaism : The Charge against Jesus in Mark 14:53-65*, Grand Rapids: Baker, 2000 , 224-7.

²³ Raymond E.Brown, *The Death of the Messiah*.2 Vols. The Anchor Bible Reference Library, ed. David Freedman. NY: Doubleday, 1994, 515.

²⁴ E.g., Martin Hengel, *Studies in Early Christology*, London: SCM, 1995, 187 who thinks that Matthew has altered the shorter version, and thinks that the shorter text is a pre-Marcian Passion Narrative.

longer text might be seen as removing a theological problem *and* synthesizing variant traditions. It must also be asked whether this preference is not driven by his thesis: after all, it removes significant problems.

In addition to this further difficulties arise within O'Neill's own account. He stresses that the titular Son of Man is an unlikely option, on the grounds that it was not used by the early church. Yet, in admitting titular usages within Matthew and John²⁵, he has to concede that the title was used more frequently by the early church than the two occasions he has previously allowed²⁶. Further, it is odd that O'Neill in 1995 re-jigs his argument to suggest that titular usages have a strong Judaic provenance²⁷. This is problematic for two reasons. First, there is a major shift in saying first that such sayings come from the environment of the early church, and then from then from Judaism. There is an inconsistency here: which environment exactly is being claimed as the source?

Then, secondly, we note that such statements assume that these different contexts may be discrete and clearly demarcated. Is this really so? Consider the three slices of culture which are involved here: Jesus, Judaism and early Christianity. We cannot pretend that these can be isolated from each other. Jesus, after all, was a Jew, and the early church started as a movement within Judaism which later evolved into a distinct religious tradition. This suggests that these are interlinked, and that common elements or terms may be found in any or all of these in their various combinations. Add to that modern theories about culture which suggest that these might be considered sub-cultures (if not full-blown cultures in their own right), and that such social groupings (culture or sub-culture) are marked by porous

²⁵ O'Neill, *Messiah*, 111.

²⁶ O'Neill, *Messiah*, 104.

²⁷ O'Neil, *Who?*, 126-27.

boundaries, overlap and interlink, and are not free-standing or distinct²⁸, and the claims appear even weaker.

As such, O'Neill's methodology appears to be an outdated application of the criterion of dissimilarity. This tool of form criticism has been roundly criticised by the dogmatic theologian, Eric Mascall, drawing in turn on the work of Morna Hooker²⁹:

'It would be one thing to say that a statement attributed to Jesus is probably authentic if it inconsistent with Judaism before him and with the Church after him, though even this would be hazardous. But to say that *no* statement attributed to Jesus can be authentic *unless* it is inconsistent with Judaism before him and with the church after him is another matter, for it is logically equivalent to saying that Jesus could never have agreed with Judaism and that the Church could never have agreed with him.'³⁰

Further, in light of the misunderstandings arising from those who shared far more in terms of culture and context with Jesus than we ever can, it must raise questions about whether the critic can really claim to work with such precision, especially given that the rules by which he operates can only be described as 'rules of thumb'.

There is also the issue of whether such precision can really be exercised given our gaps in knowledge of the environments of Jesus and the gospel writers. When O'Neill talks of 'prominent beliefs',

²⁸ Kathryn Tanner, *Theories of Culture: A New Agenda for Theology*, Minneapolis: Fortress 1997, 53-6; Abram Kardiner & Edward Preble, *They Studied Man*, Cleveland: World Publishing Co., 1961, 193; Loius J. Luzbetak, *The Church and Cultures*, Maryknoll, NY: Orbis, 1998, 171-2.

²⁹ Morna Hooker, "On Using the Wrong Tool". Pages 570-81 in *Theology* LXXV (1972).

³⁰ Mascall, Eric, *Theology and the Gospel of Christ: An Essay in Reorientation*, London: SPCK, 1984, 88.

the phrase bears a huge load in terms of (a) what the beliefs were, and (b) which were, indeed, prominent. The criticism which Dale Allison remembers being told by W.D. Davies is apposite:

“We just do not know enough about first century Judaism or early Christianity to make the criterion very reliable. Why pretend to prove a negative? I remember W.D. Davies once advising me never to use the word *unique* in connection with Jesus. His reason was very simple: How can we claim anything to be without parallel when so little is known about antiquity?”³¹

O'Neill's methodology, contrary to this, appears to demand a radical discontinuity between Jesus and the early church which begs a number of questions. It also raises questions about how reliable any tradition could be, given his views of editing and redaction. Put crudely, how could the early church have consistently misunderstood Jesus so much? In light of the recent work of writers like Bauckham who have done much to rehabilitate the veracity of the Gospels and indeed the claim that they are based on eye-witness tradition³², we are left, if we follow O'Neill, assuming that those closest to Jesus were unable to record authentic traditions without amending and confusing them. This in turn appears unlikely given that the transmission of tradition seems to have been governed by careful rules about how material might or might not be altered and amended³³. Research such as this suggests that O'Neill is working

³¹ Allison, Dale, *Jesus of Nazareth: Millenarian Prophet*, Minneapolis: Fortress, 1998.

³² Bauckham, Richard, *Jesus and the Eyewitnesses: The Gospels as Eyewitness Testimony*, Grand Rapids: Eerdmans, 2006.

³³ Birger Gerhardsson, *Memory & Manuscript: Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity*. Published together in one volume with *Tradition and Transmission in Early Christianity*. Grand Rapids: Eerdmans, 1998 make such claims by comparing the Gospels with rabbinic transmission. This volume includes a rehabilitation of Gerhardsson's thesis by Jacob Neusner in the introduction.

with an understanding of tradition and transmission which may be divorced from the actual reality.

The way in which he handles the material is also contentious. For O'Neill, every usage of the title is clear-cut: different instances can be set into distinct groups, headings or pigeon-holes. But is the son of man material really used in such a clear-cut way? A number of scholars would argue differently, they might suggest that the phrase is ambiguous³⁴, and/or developmental³⁵, and messianic on occasion³⁶. This second description is particularly enlightening when compared to O'Neill's use of the title. It suggests that the shape of the title alters as Jesus uses it, that it leaves behind its historical antecedents and morphs into something new³⁷. All this echoes with linguistic patterns which have more in common with Bakhtin ('re-

For updated comments on oral tradition, and the subsequent debate, see Bauckham, *Eyewitnesses*, 240-89.

³⁴ Darrell L. Bock, "The Son of Man in Luke 5:24", *Bulletin for Biblical Research* 1 (1991), 109-21.

³⁵ Thus, among others, Darrell, L. Bock, "The Son of Man", 4Truth.net, 2007. Accessed 21/08/2009 at

http://www.4truth.net/site.c.hiKXLbPNLrF/b.2902829/k.328F/Jesus_The_Son_of_Man_Apologetics.htm. Oscar Cullmann, *The Christology of the New Testament*, Philadelphia: WJKP, 1980, 154, Larry W. Hurtado, *Lord Jesus Christ: Devotion to Jesus in Earliest Christianity*, Grand Rapids: Eerdmans, 2003, 298 for a description of Moule's description of the phrase and Anthony J. Saldarini, "Matthew". Pages 1000-63 in Dunn, J.D.G., & Rogerson, J. W., (eds), *Eerdmans Commentary on the Bible*, Grand Rapids: Eerdmans, 2003, esp. 1003a.

³⁶ Craig A. Evans, "In What Sense 'Blasphemy'? Jesus Before Caiaphas in Mark 14:61-64. Pages 407-34 in Evans, C.A. (ed.), *Jesus and His Contemporaries: A Comparative Study*. Leiden: Brill, 1995, see esp. p.414-17.

³⁷ See, for example, Gerd Theissen, & Annette Merz, *The Historical Jesus: A Comprehensive Guide*, Minneapolis: Fortress, 1998, 552 for the combination of the everyday idiom and the heavenly title in a new construct.

accentuation')³⁸ and Wittgenstein³⁹ than O'Neill's static set of meanings, which have more in common with the European lexicographical work so roundly criticised by James Barr⁴⁰.

All that said, he leaves one particular conundrum which is especially difficult for those who would see Caesarea Philippi as an historical event. The difficulty lies not in "who do men say that I am?"- which could be a straw poll conducted just to see how things were going, but in 'who do you say that I am?' and the resulting dialogue which strongly suggest a scenario which is not answered by saying, 'Well done, for you remember what I have taught you!'. All of which suggests a strong argument that Jesus had not declared, historically- by that point, *in so many words*, his identity directly to the disciples. But even this is not to admit that Jesus had never declared himself to be the Messiah, only that the disciples had not, as depicted at that point, yet grasped the significance of what he might (or might not) have said⁴¹.

³⁸ For definitions of "re-accentuation" in Bakhtin, see Carol A. Newsom, "Apocalyptic Subjects: Social Construct of the Self in the Qumran Hodayot". Pages 3-35 in *Journal for the Study of the Pseudepigrapha*, 12/1 (1995), esp. pp. 6-7 and L. Juliana M. Claassens, "Biblical Theology as Dialogue: Continuing the Conversation on Mikhail Bakhtin and Biblical Theology". Pages 127-144 in *Journal of Biblical Literature*, 122/1 (2003), see p. 132, where we might envision Jesus or any other developer of the idiom and title thus actualising potential meaning.

³⁹ In the *Philosophical Investigations*, Oxford: Blackwell, 1986 esp. aphorism 43, Wittgenstein pursues the idea that words have meaning from their location rather than inherently.

⁴⁰ James Barr, *The Semantics of Biblical Literature*, Oxford: OUP, 1961.

⁴¹ Whilst it may be controversial to use an element from John to illuminate what is an episode in the Synoptic tradition, we might note the recurring motif in the fourth gospel in which Jesus' interlocutors, including, on occasion, the disciples, with remarkable constancy, fail to grasp Jesus' true meaning. Consider the following: John 2:22 (disciples?); 3:4 (Nicodemus); 4:15,25 (Samaritan Woman),33 (Disciples); 6:26 ,35ff,42 ff, 52ff (the

O'Neill produces a picture of Jesus in which potential titular usages Son of Man are judged inauthentic primarily because they do not fit with the theory expounded, and his reading of contemporary literature which, he suggests, allow for messianic actions, but not explicit claims. Without these buttresses, the isolated claims for Son of Man appear much less convincing. Part of the methodology which produces that result is based on this 'wrong tool' of dissimilarity, in which, at various points, either origins in Judaism of 'being made up by later Christians' rules them as inadmissible for the authentic Jesus. The fact that both Judaism and early Christianity, by O'Neill's own admission, used Son of Man as a title does not in itself constitute sufficient evidence for saying that it was impossible for Jesus to speak this way.

ii) The trial of Jesus

O'Neill's thesis demands a formal legal charge and this in turn is based on a number of assumptions which are highly contentious. Three spring to mind.

The first is his well-nigh exclusive focus on the Marcan trial and preference for a longer variant reading of the text. These appear to start from the assumption that the Marcan account is the most accurate account of the trial. However, we must note that this should not be assumed automatically. Thus Catchpole, writing in the same volume as O'Neill, would see the Lukan version as based predominantly on a more Semitic and primitive account including Luke 22:70 (the 'you say' reply, rather than Mark 14:62's 'I am'),

Jews);8:33ff (the Jews), 11:11-14 (disciples),23-4 (Martha); 12:5ff (Judas); 13:6-11 (Peter). It is possible that this may be a literary motif contrasting the readers with the participants in the narratives, see further Francis J. Moloney, *Glory Not Dishonor: Reading John 13-21*, Minneapolis: Fortress, 1998, 14-5.

but not Luke 22:69 which appears dependent on Mark⁴². The net effect is that a case can be made for the reading O'Neill prefers without resorting to his text critical gymnastics.

The Matthean account also supports the longer reading. Sanders' reading of the trial, which starts from the Matthean wording (26:63-64), raises objections to Jesus identifying himself both as the Christ ('you say' rather than the Marcan 'I am') and as the heavenly son of man (πλῆν- 'but, on the other hand')⁴³. It is possible to argue that Jesus' reply in Mark 14:62 (as per the majority text) suggests an assent to the designation as Christ and son of the blessed one, and a separate statement about the son of man: we do not need grammatically to conflate the characters, but even this becomes an unnecessary step if we follow Catchpole's line.

So, we find that this is not so much an objection to, but validation of, the claim that a 'charge' centred on a self-claim is really the point at issue. The criticism of O'Neill's thesis is more of the route he has taken to reach that same conclusion.

Second, the idea of a formal legal charge implies a formal legal trial, and there is strong evidence to argue that the so-called trial of Jesus was not a formally constituted, official or legal gathering: it may be

⁴² David R. Catchpole, "The Problem of the Historicity of The Sanhedrin Trial". Pages. 47-65 in Bammel, E., (ed), *The Trial of Jesus: Cambridge Studies in Honour of CF.D. Moule* [Studies in Biblical Theology : Second Series- 13], London: SCM, 1970. See also I. Howard Marshall, *The Gospel of Luke* [NIGTC], Exeter: Paternoster, 1978, 850-1. Note that Hengel, *Studies*, 187, with its claim that the Marcan text retains an earlier tradition, means that the point at issue may be the validity of pre-gospel traditions, rather than the gospel texts themselves, or text vs. pre-text.

⁴³ Ed P. Sanders, *The Historical Figure of Jesus*, London: Penguin, 1995, 247-48. See also Joseph Fitzmyer, *The Gospel According to Luke X-XXIV* [AB], NY: Doubleday, 1985, 1467 for the distinction of Christ and Son of God.

described as an informal hearing rather than a formal hearing⁴⁴. It seems that what is being presented is a legal fiction to justify the condemnation of someone who has rubbed a number of people up the wrong way: the trial and its associated charges are more of a legal fiction and justification rather than the whole story. Jesus is not the first or last person in history to find himself condemned for failing to conform to either popular convention or an overbearing ideology. Hanging a claim for a properly constituted legal charge on such a gathering may not be appropriate.

Third and last, there is a potential problem in the way in which the material is handled. One might question whether or not it is good practice to conflate the Synoptic trial, and here we essentially mean the Marcan version with the Johannine crucifixion, especially as there are significant differences within the Synoptic traditions which raise questions as to whether an exact record is recoverable. O'Neill ends up creating a meta-narrative of trial and crucifixion based on at least two distinctive traditions. Note I do not suggest that this is an insurmountable problem, nor even an invalid proposal, but it is, nonetheless, one which hangs on a number of assumptions about the historical reliability of the respective traditions, and how they might be combined, and all this is open to debate.

Let us consider just one simple but significant example, confining the following remarks simply to the Marcan and Johannine accounts. The trial scene in Mark focuses on a number of questions: the destruction of the Temple (Mark 14:57-58), the Christ/exalted Son of Man (Mark 14:61-62) as well as a number of unspecified and, it is claimed by the evangelist, fraudulent claims (Mark 14:56). The equivalent passage in John 18:19-24 focuses on Jesus' teaching and a perceived insult to the high priest. There are surely major problems in reconciling these two accounts which are simply not addressed.

⁴⁴ Christopher Rowland, *Christian Origins: The Setting and Character of the Most Important Messianic Sect of Judaism*, London: SPCK, 2002 (2), 169.

That said, it may be noted that both Luke 22:69 and John 19:21 support the idea that a self-claim lies at the heart of the matter.

iii) External Evidence

What happens when O'Neill goes beyond Son of Man and the trial? His 1995 article, after all, cast the net much further. Again, we face a number of assumptions. Consider the broader picture of Jesus' statements as recorded in the gospels and how they are described. O'Neill, for example, talks about Jesus implying he is the Messiah⁴⁵. On the face of it this is a neutral comment, but when is an implication an implication? Mark 2:17 is for O'Neill an implication, but 'more than a prophecy' to O'Collins⁴⁶: 'implicit claims'⁴⁷ and 'more than prophecies' do not appear to be equivalent turns of speech.

What about the blasphemy charge itself? Immediately, O'Neill's theory has to face a question about documentary evidence. Scholars such as Craig Evans argue that the lack of evidence for a specific charge is grounds enough to reject the hypothesis⁴⁸. Two different responses could be made.

The first I have alluded to before, namely, that the evidence of John 19:7, 21 might itself be construed as the wording of such a charge⁴⁹. The question here would not then be a complete lack of evidence, but why critics demand that the charge as worded in John can only be accepted as historically accurate if it is supported by evidence from some other source. To argue that the NT itself is inadmissible evidence for the period is a mark of prejudice against

⁴⁵ O'Neill, *Who?*, 153.

⁴⁶ Gerald O'Collins, *Jesus: A Portrait*, Maryknoll: Orbis, 2008, 24.

⁴⁷ O'Neill, *Who?*, 153.

⁴⁸ Evans, "In What Sense?", 407, esp. fn.1.

⁴⁹ Fergus J. King, *More Than A Passover: Inculturation in the Supper Narratives of the New Testament* [New Testament Studies in Contextual Exegesis Vol 3], Frankfurt: Peter Lang, 2007, 9 esp. fn. 26.

these texts rather than scepticism. Let me ask the question more bluntly: would such evidence occurring in, say, Philo or Josephus been accepted as evidence in a way it is not when found in John? If the answer is 'yes', there is a bias in the treatment of the sources. That said, it is possible that the verse still does not bear the interpretation O'Neill puts on it, and we will return to it later.

For the moment, even if my remarks about John 19:7,21 and its treatment by the critics are so unpalatable as to be unacceptable, the apparent lack of direct evidence need not itself end the matter.

Second, the problem thus far is, as Evans noted, the lack of source material⁵⁰. But does there need to be a specific legal act recorded to support the thesis? Bock is more generous, commenting that:

'What we lack are sources that give us details of the *legal* practice before 70 CE. However, we do have...a significant amount of material that describes Jewish views of blasphemy in this period as a cultural matter, and with a consistency that suggests it was a widely held view, even among Judaism's religious leaders.'⁵¹

In other words, it is not necessary to possess the 'letter of the law', but there needs to be contemporary contextual evidence to support any claim. From this perspective, Bock has the confidence to argue that Jesus' opponents could declare his words enough to constitute a blasphemous claim. Of course, merely, arguing that there are grounds for blasphemy does not mean that O'Neill's version is immediately acceptable, for any such claim will need to explore exactly what constituted blasphemy, and this may turn out to be different, more variegated or more indistinct than the charge he claimed, for his focus is very much on the claim that it was

⁵⁰ Thus Donald Juel, *Messiah and the Temple: The Trail of Jesus in the Gospel of Mark* [SBLDS 31], Missoula: Scholars Press, 1977, 97-8.

⁵¹ Bock, *Blasphem*,y 184.

blasphemy to claim to be the Messiah, and blasphemy was very much wider in scope⁵².

What of the other evidence cited by O'Neill as evidence for his claim? We find is that there is not as much detail as might be wished. For example, Mishnah *Sanh.* 11.5 (a codification of Deuteronomy 13:5) deals with 'false prophecy' rather than a distinct Messianic claim⁵³, and adds a phrase to the translation [to tell]⁵⁴. His revision of this text in 2000 argues from a general proposition to a specific proposition which is not explicitly mentioned. Can such a manoeuvre really justify the specific claim? A number of accounts from Josephus describing messianic pretenders are also cited (*Ant.* 17.271-84, 18:85-89; *J.W.* 2:433-34,444; 4:510; 6:300-09) but these do not really give a comprehensive account of all that these characters may have said or done. Here O'Neill's own qualification that we do not know how many claimed or thought themselves to be the Messiah must raise major questions about their value as evidence for Messianic claims: some even, by his own admission, rule out even actions, a factor which goes against own thesis that Jesus could not speak, but could perform⁵⁵.

Darrell Bock (noting the Akiba texts cited by O'Neill) argues that these do not involve direct self-claims, but records of experiences⁵⁶. Evans, too, notes the significance of the Akiba traditions in defining Christology, but at no points entertains 'claiming' within that

⁵² Bock, *Blasphemy*, 111 notes that the official rabbinic position was that use of the divine Name was the only clear case of blasphemy, but there was a wider category of acts of blasphemy including idolatry, disrespect for God, insulting His leaders, and , by extension, involves a wide range of insulting speech and activity (112-3).

⁵³ O'Neill, *Who?*, 53.

⁵⁴ Bock, *Blasphemy*, 25. Note that O'Neill amends the translation to omit "to tell" in *Point*, 90, but the text still does not appear convincing.

⁵⁵ O'Neill, "Silence", 165.

⁵⁶ *B Hag* 14a, *b Sanh* 38b, *1 En.* 53:6, 90:28-29, 91:13, *Exagogue of Ezekiel* 67-89. See O'Neill, *Who?*, 52 and Bock, *Blasphemy*, 24.

tradition: for him, the focus is on the substance of messianic figure portrayed⁵⁷. Ps Sol 17:22, when interpreted as an idea better seen in light of Matthew 11:25-7; Luke 10:21-2, depends on another controversial textual reading, in which 'No one knows the Son save the Father' is taken as a textual gloss, and as a traditional Jewish maxim. It also raises a major issue of definition: it may be that the claim to speak for God is not technically blasphemous, but presumptuous⁵⁸.

None of the external texts conclusively proves O'Neill's point, about a specific blasphemy charge about claiming to be the Messiah. At best they argue for a potential charge which might be extrapolated from more general principles, and some imply that self-claiming might be important⁵⁹.

iv) Limited Focus

O'Neill's focus on the Son of Man, Christ and the trial seemingly omits from the picture other potential reasons for his death. The breadth of the other charges and claims against him can be seen in McKnight and Modica's *Who Do My Opponents Say I Am?: law-breaker, false prophet, demon-possessed, glutton and drunkard, blasphemer, illegitimate son as well as King of the Jews*⁶⁰. O'Neill's thesis is restricted to Jesus as law-breaker, blasphemer and King of the Jews, and substantial portions of the gospel narratives appear

⁵⁷ Evans, "In What Sense?", 423-29. Hengel, *Studies* similarly focuses on the substance of the claim, esp. 186-87.

⁵⁸ Evans 1995, 407, fn.1.

⁵⁹ Bock, *Blasphemy*, 24-5.

⁶⁰ McKnight, S., and Modica, J. B.,(ed.s) *Who Do My Opponents Say I Am? An Investigation of the Accusations Against the Historical Jesus*, London: T&T Clark, 2008. Even their list is not exhaustive: John 11:45-53 would appear to associate the plan to kill Jesus with the signs he had performed, and more specifically with his raising of Lazarus.

redundant. It even excludes factors as mundane as envy, explicitly mentioned in the Marcan account⁶¹.

v) Summary

On the basis of these objections, it would seem that O'Neill's thesis suffers a number of drawbacks:

1. his claims about the silence of Jesus are highly contentious and methodologically suspect,
2. the trial scenario may not fit a legal assembly even if attempts are made to give it such a flavour⁶²,
3. his text-critical approach seems to shape the texts to suit the thesis,
4. what evidence may be extracted from external sources is contested even by himself,
5. and he does not address the full variety of charges made against Jesus.

These criticisms appear fairly comprehensive, but it is still possible to argue that some points of the thesis remain valid, but in a much reduced form. This reduced form puts aside the Marcan material and focuses solely on the Johannine material. As such the focus is on the changing of the words in the title placed on Jesus' cross (John 19:21), and it demands some reflection on the nature of Jesus' claims as presented in that gospel.

The nub of the problem is that O'Neill has argued for a very definite thesis, a self-claim about being the Messiah, and has placed great

⁶¹ Jerome Neyrey, "It Was Out of Envy That They Handed Jesus Over" (Mark 15:10): The Anatomy of Envy and the Gospel of Mark." *Journal for the Study of the New Testament* 69 (1998):15-56.

⁶² Franz Kafka's *The Trial* has a "legal flavour", and may satirise legal practice, but does not become literal historical truth.

weight on the charge of blasphemy being connected with the substance of the claim (to be the Messiah) at the expense of the nature of the claim (a self-claim). There is evidence to suggest that self-claiming is a known legal issue, and this might mean that the thesis can in part be rehabilitated.

Re-Tuning the Thesis

With these *caveats* made, there are still grounds to argue that the wording of John 19:21 might constitute a legal charge against Jesus according to contemporary convention, even if the exact words of the charge remain unknown. Evans' claim (above, see fn. 57) that speaking on behalf of God is presumptuous will still need to be addressed, as it implies a cultural convention rather than a legal proscription.

I have previously suggested that John 19:21 is an incidental historical detail (above, fn. 42) as there were no grounds to suggest why such a detail might be added: Winter describes the inscription as 'the one solid and stable fact which should be made the starting point of any historical investigation dealing with the Gospel accounts of his [Jesus'] trial'⁶³. In addition to this, it can be noted that, amidst all the variety of the practice of crucifixion⁶⁴, there are records of such plaques (Greek *πίναξ*; Latin *tabula*) being posted, principally, as a deterrent to others rather than a precise legal record⁶⁵. Historically, the posting of a warning is possible, but again caution needs to be taken against assuming that it might be a precise legal charge. Nevertheless, it will make a statement about what the person has

⁶³ Paul Winter, *On the Trial of Jesus*. Studia Judaica: Forschungen zur Wissenschaft des Judentums. Band 1. 2nd edition revised and edited by T.A. Burkill and Geza Vermes. Berlin/ NY: Walter de Gruyter, 1974, 156.

⁶⁴ Martin Hengel, *The Cross of The Son of God*, London: SCM, 1986, 116-18.

⁶⁵ Brown, *Death*, 963- 8 concludes that there is a historical basis for the title centred on the "King of the Jews". Cf. Hengel, *Cross*, 148.

done wrong, to deter others from acting in a similar way. In such a case, we might say that the plaque gives a warning about claiming to be the King of the Jews.

However, that previous claim needs to be examined, for it is arguable that a reference to claiming might fit well with the literary character of the gospel, and this might be an alternative to its being an incidental detail as similar claims occur on several occasions (e.g., John 5:31-40; 8:12-20; 10:36).

Does a literary origin rather than an historical origin provide an objection to reflection on the legal status of the tablet? Not necessarily, for surely a literary creation of this kind needs some plausibility: it needs to correspond to what was possible- and to that extent, contain an element of historical veracity. This axiom holds good not just for the tablet, but, I reckon, for the substance of the words in the trial scene. It is on this basis that we now turn our attention to the wider issue of Jesus' claims in John, and focus particularly on Per Jarle Bekken's work on self-testimony⁶⁶.

Bekken notes that a legal principle undergirds the controversies of John 5 and 8. In many ways, his assertions are open to the same criticism as those made of O'Neill: there is no existing statute. However, Bekken is able to extract the substance of his arguments not only from the Johannine literature but from passages in Philo whose *Legum Allegoriae* includes a discussion on self-testimony and its applicability to God. Philo concludes that it is possible, if not necessary, for God to bear witness to himself, since no-one else is fit

⁶⁶ Per Jarle Bekken, "The Controversy on Self-Testimony according to John 5:31-40; 8:12-20 and Philo, *Legum Allegoriae* III. 205-208". Pages 19-42 in Holmberg, B., and Winninge, M. (ed.s), *Identity Formation in the New Testament* [Wissenschaftliche Untersuchungen zum Neuen Testament 227], Tübingen: Mohr Siebeck, 2008.

to do so⁶⁷. In a survey of previous research he notes the wide body of evidence cited by Beutler and others that there is a controversy over self-testimony in Jewish, Greek and Latin sources, and proceed to elaborate, following Borgen, that this includes forensic evidence, and concludes that there is a 'Jewish referential tradition' for self-authenticating testimony in John⁶⁸. Both Philo and John apply a concept of valid self-testimony to God. In John this becomes the basis for the authenticity of Jesus' claims about himself. They take us to the heart of the controversy: to Jesus as depicted (and presumably those who wrote and read the Gospel) his claims are true, because they work from the assumption that he is God, and thus able to give valid self-testimony. To his interlocutors, his claims are perceived as false inasmuch as they do not share the assumption of his divinity.

In this context, we have a legal setting for the words found in John 19:21. But whilst the earlier accounts in the Gospel present Jesus making such claims on his own behalf, this verse is a report by others of what he did: he said he was the King of the Jews. The implication is of course, that they do not believe him, hence his crucifixion. The irony, for the evangelist and his readers, is that the claim is true.

What happens to O'Neill's thesis here? Let us restate his position briefly: there was a law which forbade anyone to *claim* to be the Messiah. Such a detailed claim does not appear sustainable given the objections raised in terms of documents and method. But there is a legal point involved which is more difficult to dismiss: self – testimony. Jesus is breaking a legal principle, according to his accusers, inasmuch as he speaks on his own behalf. There is a shift here from O'Neill's emphasis on the content of the claim (*to claim to be the Messiah*) to the act of self-claiming. *It is the act of self-claiming which is at the centre of any charge*. This act of claiming as

⁶⁷ Philo, *Leg.* 3.205-208. See Colson, F.H. and Whitaker, G.H., *Philo*, Voll [LCL], Heinemann: Harvard, 1971, 440-43. Also translated in Bekken 2008, 20-22.

⁶⁸ Bekken, "Controversy", 25-29.

a basis for the charge is supported by the Lukan and Johannine accounts, supported by the Philonic material. Further, the claim is no longer dependent on the more contentious theories advanced about the silence of Jesus, the son of man and the Marcan trial scene. Nor does there need to be evidence for a claim specifically about being the Messiah: the data about self-claiming suffices in itself.

Whilst this re-tuning renders huge swathes of O'Neill's thesis redundant, it still fits with his wider christological programme. O'Neill, in his later writing, held that much post-Reformation and critical scholarship of the gospels had fallen unwittingly under the pernicious influence of Socinian views which effectively led to the denial of Jesus' own Messianic self-understanding⁶⁹. His views on the silence of Jesus were part of his reclaiming of such a self-understanding, influenced by his view that the motif of silence was problematic⁷⁰. The re-tuning proposed in this article upholds that claim about self-understanding, but without the scholarly gymnastics involving silence. Put simply, titular usages of Son of Man which can be ascribed to the historical Jesus become evidence for a divine self-understanding simply on the basis of the nature of the claim. Instead of excising sayings and producing a conclusion based on a truncated reading of what might or might not be historical, the same conclusion may be reached and still include the relevant authentic sayings.

There is an additional gain: an ironic twist. If my proposals are correct, the Lukan response (22:70) reflects this context and becomes two-edged: 'you say' suggests that Jesus' questioner is actually unfit to hand down any verdict about God. Only God may judge God. With a further twist of irony, Jesus' words are described as a

⁶⁹ O'Neill, *Who?*, 1.

⁷⁰ It is possible that O'Neill has been overly concerned with the idea of "Messianic silence" expounded by Wrede and his followers which Schweitzer had identified as flawed many years earlier. Albert Schweitzer, *The Quest of the Historical Jesus*, London: SCM, 1981, 340.

testimony μαρτυρίας- the same word used by Philo⁷¹) which comes from Jesus' own lips (ἀπο τοῦ στόματος αὐτοῦ - Luke 22:71).

O'Neill has been vindicated in part: there seems to be enough evidence to suggest that there is forensic dimension to the charges brought against Jesus, congruent with contemporary thinking. However, to say this is the sole reason for Jesus' death is to overlay its significance.

Might this legal principle still be called 'blasphemy'? The Marcan and Matthean accounts appear to do so (Mark 14:64⁷²; cf. Matt 26:65⁷³), but not the Lukan or Johannine narratives (Luke 22:71; John 19:7). The evangelists appear divided.

Let us consider the wider context. Bock, after an extensive investigation, notes the extent of offences considered blasphemous, and, most importantly, includes within the category 'comparing oneself to God'⁷⁴. It does not seem unreasonable to suggest that self-testimony, in which one abrogates to oneself a right only held by God would be an instance of blasphemy⁷⁵. But what if the one who so speaks is God? Then what appears legally prohibited is actually permissible. Jesus is able to testify about himself, because his divine status accords him this privilege. That he is so presented is a claim for his divinity being made by the evangelists. Blasphemy is, in part, in the ear of the beholder, and the evangelists depict God unrecognised despite the truth of his own testimony.

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⁷¹ Philo, *Leg*, 3.205

⁷² Evans, Craig A., *Mark 8:27-16:20* [Word Biblical Commentary 34b], Nashville: Nelson, 2001, 453—58, but does not include self-testimony within the definition.

⁷³ Donald A. Hagner, *Matthew 14-28* [Word Biblical Commentary 33b], Nashville: Nelson, 1995, 801.

⁷⁴ Bock, *Blasphemy*, 111.

⁷⁵ Hanger, *Matthew*, 801 appears to concur.

The Dead in the Underworld

Dr Shaul Bar

Summary

The story of Saul and the witch of Endor indicates that the dead are aware of the living and their circumstances. In this episode, Samuel tells Saul what will happen to him in the future. Thus, in this paper, we will examine the faith of the dead in Sheol. Do the dead have any powers? Is there any connection between the dead and the living and do the dead know about the living? The end result will show that the biblical texts are describing the dead as powerless and ignorant of events in the world of the living. All those descriptions come from the Wisdom Literature, whose authors belonged to the social elite. They enjoyed life and were not interested in any changes. However, many people, kings and commoners alike, believed in the potency of the dead. Over successive generations this belief seems to have become more tenacious, making it necessary to devalue it.

1. Introduction

According to Theodore Gaster, "The Old Testament offers no formal doctrine concerning the destination and fate of the dead; all that it says on the subject belongs to the domain of popular lore."⁷⁶ Oesterley, on the other hand, writes: "We find in the Old Testament a mass of antique conceptions regarding life beyond the grave which the Israelite shared with other peoples, and which had been handed

76. Theodor Gaster, "Dead, Abode of The," *IDB* 1:787.

down from immemorial.”⁷⁷ Tromp, in *Primitive Concepts of Death and Nether World in the Old Testament*, points that the Psalms contain numerous speculations about the afterlife: “The references to the hereafter in the Psalter are extraordinarily numerous and they seem to imply that the people’s conceptions of after-life were not so elementary and primitive as is often believed. Even if this range of ideas was not originally popular, it must have become so through the Psalter.”⁷⁸

Johnston, however, maintains that the concept of an underworld was not important to the biblical author. All of the biblical descriptions of Sheol—and they are not many—are in the first person, never in simple reportage or general description, and they speak of a dark and dreary place. According to Johnston, the biblical author was not particularly interested in the fate of the dead.⁷⁹ In this paper we will examine the faith of the dead in Sheol. We have to remember that there was a widespread belief in Antiquity that the dead had power in the world of the living; sacrifices were offered to appease them so that they would not abuse this power. Therefore, we will look into the Biblical verses which speak about the condition of the dead and see if indeed they had any powers. In addition, we will notice if there is any connection between the dead and the living, and if the dead know about the living. This study will show that most of the verses which describe Sheol are found in the Wisdom Literature whose authors had a different view as to the faith and power of the dead.

2. The Dead in the Underworld

Reading the Hebrew Bible shows that in the biblical view, the dead are in a condition of utter silence in Sheol and cannot praise the

77. W. O. E. Oesterley, *Immortality and the Unseen World* (New York, 1921), p. 2.

78. Nicholas J. Tromp, *Primitive Conceptions of Death and the Nether World in the Old Testament* (Rome, 1969), p. 211.

⁷⁹. Philip S. Johnston, *Shades of Sheol* (Illinois, 2002), p. 85.

Lord. An echo of this can be found in “If the Lord had not been my help, my soul would soon have dwelt in the land of silence” (Ps. 94:17). The psalmist begins with a counterfactual statement about the past. Here *škn* ‘dwell’ means die. *Dumah* ‘[land of] silence’ is also found in Psalms 115:17. Elsewhere in the Bible we find the roots *d.w.m.*, *d.m.m.*, and *d.m.y.*⁸⁰ Sometimes the meaning is silence (Ps. 22:3, 83:2, 131:2, 39:3, 62:2; Job 4:17 and 30:27); sometimes, death (Isa. 15:1; Jer. 47:5–6).

As the parallelism shows—“The dead cannot praise the Lord, nor any who go down into silence” (Ps. 115:17), those who go down into [the land of] silence meaning the dead, who lie mute and motionless in the underworld,⁸¹ where they cannot praise the Lord. Here the psalmist seems to have used *dumah* intentionally to express the contrast between silence and songs of praise. The Egyptians, too, referred to the underworld as the “land of silence.” The Talmud refers to the angel who guards the dead by the name *Dumah*. The

⁸⁰. On the semantic shifts of the root *d.m.m.*, which is close to *d.m.y* and *d.w.m.*, see Josua Blau, “Über Homonyme und Angeblich Homonyme Wurzeln,” *VT* 6 (1956): 242–243.

⁸¹. The word *dumah* appears in the Bible with three different meanings. (1) Referring to persons, it has an ethnic meaning in Gen. 25:14 and 1 Chron. 1:30. *Dumah* is also one of the sons of Ishmael. (2) As a place, *Dumah* is a city in or epithet for Edom (Isa. 21:11), a town in the hill country of Judah (Josh. 15:32), and a place settled by Caleb’s descendants by his concubine Maacah (1 Chron. 2:49). (3) In Ps. 94:17 and 115:17, *Dumah* is an epithet for Sheol. Dahood, by contrast, thinks it means “fortress” or “citadel.” He notes the Akkadian and Ugaritic *dmt* ‘tower, fortress’ (cf. the Mari place name *dumtan*). Dahood cites Ezek. 37:32 and Ps. 115:17 to buttress his argument. Tromp, too, takes *dumah* to mean “fortress,” noting the Akkadian *damtu*. But this is implausible, because none of the many connotations of the Akkadian word has anything to do with death. See: Mitchell Dahood, *Psalms II* (51–100) (AB 17; Garden City, New York, 1968), pp. 349–350; idem, “Accadian-Ugaritic *dmt* in Ezekiel 27, 32,” *Bibl* 45 (1964): 83–84; F. L. Moriarty, “The Lament over Tyre (Ez. 27),” *Greg* 46 (1965), p. 87; Tromp, *Primitive Conceptions*, p. 76.

soul of one who passes away before his allotted time wanders about until his years are complete, at which time he is finally consigned to Dumah.⁸²

The concept that the dead do not praise the Lord nor extol his name recurs a number of times in the Bible. For example, “For in death there is no remembrance of thee; in Sheol who can give thee praise?” (Ps. 6:6 [5]). Here the worshiper urges the Lord to deliver him so that he may continue to render glory to His name, while expressing his fear of death, after which he will no longer be able to praise the Lord. The notion that the dead do not praise the Lord bothered later commentators, because it contradicts the belief in the survival of the soul. They suggested that the verses refer to praises spoken in the Temple. The dead are no longer part of the congregation of the Lord’s worshipers on earth, but it may be that their souls utter different devotions than those spoken in the world of the living.

Again, “What profit is there in my blood [i.e., death], from my descent into the Pit? Can dust praise You? Can it declare Your faithfulness?” (Ps. 30:10 [9]). The worshiper underscores that there can be no benefit from his death. After death he will no longer be able to thank the Lord, whereas if he lives he will be able to continue to extol His wonders. This may allude to the idea that the deity requires the worship of human beings.

Isaiah 38:9–20 is a lament in which Hezekiah pours out his grief before the Lord and expresses hope that he may recover from his illness⁸³. Verses 10–11 juxtapose the land of the living with Sheol. Hezekiah laments that if he dies he will no longer be able to see the Lord, because He is visible only in the land of the living. The expression “to see [the face of] the Lord” appears in ritual contexts in

⁸² B Ḥagigah 5a; B Berakhot 18b.

⁸³ Both the RSV and NJPS of v.9 understand it to be what he said “when he recovered from the illness he had suffered”(JPS) *mikhtav be-haloto* means the text he wrote when he was sick (*be-haloto*= *be-holyato*); and *vayhi me-holyo* is a parenthetical retrospective.

prayers in the Temple (Ps. 17:15, 27:4 and 13). That is, after death he will be no longer able to pray to the Lord because there is no connection to the deity in Sheol.

Not only will he no longer see the Lord; he will never again look at human beings who reside in this world, referred to as *yošvevei ḥadel*. *Ḥadel* is a metathesis of *ḥaled*, which means life in this word (Job 11:17; Ps. 17:14). The noun *ḥeled* ‘lifetime, world’ has an Arabic cognate *ḥuld* ‘perpetual duration’. According to Ibn Ezra, *ḥedel* and *ḥeled* both mean “life.” Another interpretation is that of *ḥadel* derives from *ḥdl* ‘cease’, and means rather Sheol, the place of the dead, because their lives have ceased.⁸⁴ If so, the verse means that Hezekiah will no longer look at human beings because he is among the inhabitants of *ḥadel* = Sheol. Perhaps, in fact, the metathesis of *ḥaled* into *ḥadel* is not a corruption of the text but an intentional double-meaning. Another possibility is that Hezekiah is referring to his fear that he may cease to exist and used *ḥadel* to refer to the inhabitants of the world precisely because they are mortals who will soon cease to live in it.

Verses 17–18 are a transition to the hopeful section of the psalm, namely, that the Lord will save him because “Sheol cannot thank You, death cannot praise You; those who go down to the Pit cannot hope for Your faithfulness” (Isa. 38:18). The denizens of Sheol cannot thank the Lord because His actions on earth do not touch them. The dead do not praise the Lord. Here death is parallel to Sheol; perhaps *mawet* is to be understood as the place of the dead, like Sheol. Other possibilities are that it means the Angel of Death or

⁸⁴. The word is not found in the Septuagint. According to *BDB*, 293, *ḥadel* means “cessation.” Dahood says that it is “an authentic poetic name” for the underworld, parallel to Sheol. See Dahood, “חַדֵּל ‘Cessation in Isaiah 38,11,’” *Bibl* 52 (1971): 216. Calderone derives the noun from a different root, meaning “be wealthy or prosperous,” and translates the word as “fruitful land.” See Philip J. Calderone, “HDL-II in Poetic Texts,” *CBQ* 23 (1961): 451–460.

is an abstract noun with a collective sense (“the dead”). The dead, who have gone down to the Pit, cannot hope that the Lord will keep His promise and save them because these promises are given to the living and not to the dead, who have nothing to do with the land of the living. According to Ibn Ezra on this verse, “many are surprised to find here the prophet declaring such things, as if denying the truth of the resurrection of the dead; but the body has no power, no knowledge, when the soul has left it; and why should we be surprised at it? Man has sometimes no understanding when the soul is in the body, much less after his death.”⁸⁵

In Psalm 88 we again encounter the notion that only the living can praise the Lord. This psalm is the entreaty of a person in distress and close to death and deals with the issue of death in detail. Many synonyms are employed to describe the condition and abode of the dead. These include “Sheol,” “the Pit,” “forsaken” (or “released”), “the dead,” “the slain,” “the grave,” “the darkest places,” “the depths,” “breakers,” “the shades,” “the place of perdition (ʿavaddon),” “the darkness,” “the land of oblivion,” “fury,” and “terrors.”

In vv. 11–13 the psalmist asks: “Do You work wonders for the dead? Do the shades rise to praise You? Selah. Is Your faithful care recounted in the grave, Your constancy in the place of perdition? Are Your wonders made known in the darkness, Your beneficent deeds in the land of oblivion?” The first in this string of rhetorical questions assumes that the Lord does not work wonders for the dead, who need nothing; hence, He must perform miracles and deliver a person while he is still alive. For the psalmist here, death is final and there is no future resurrection. The parallelism of the dead and the shades is found elsewhere as well (Isa. 26:14, 19).

Similarly, v. 12 clearly posits an answer in the negative: none recite the mercies of the Lord from the grave or underworld. Human beings

⁸⁵ M.Friedländer, *The Commentary of Ibn Ezra on Isaiah* (New York: 1966),p.168 [first edition London,1873].

are duty-bound to “proclaim Your steadfast love at daybreak, Your faithfulness each night” (Ps. 92:3). Indeed they cannot do so from the underworld.

When the sequence is extended to a third question, David Kimhi comments that the poet “repeated it a third time just as those who cry and wail repeat what they say several times.” He adds that “the land of oblivion” means “the grave, the place of oblivion where the dead are forgotten; as it says, ‘The dead do not praise the Lord, nor do any that go down into silence’” (Ps. 115:17). *Nešiyah* ‘oblivion, forgetfulness’ is attested, for example, in “God has made me forget (*naššani*) all my hardship” (Gen. 41:51), and corresponds to v. 6, “those whom You remember no more.” It is interesting that in Greek mythology those who drink of the River Lethe in Hades forget their past lives.⁸⁶

From these passages we can see that the dead do not praise the Lord in Sheol, evidently because it is a void. The idea that the dead cannot praise the Lord is also found in post-biblical literature, for example, Ben Sira: “Who in the nether world can glorify the Most High in place of the living who offer their praise? No more can the dead give praise than those who ever lived; they glorify the Lord who are alive and well.”⁸⁷

3. Do the Dead Know the Living?

The story of Saul and the witch of Endor indicates that the dead are aware of the living and their circumstances, because Samuel tells Saul what will happen to him. In the ancient Near East, people offered sacrifices and libations to the dead to persuade the latter to help them. This may have been the situation among the ancient Israelites, too. But the book of Job, which dates from the fifth century BCE, suggests that there is no link between the dead and the

⁸⁶ . Dahood, *Psalms II*, p. 306.

⁸⁷ . Sir. 17:27–28.

living, or even between the dead and their own past, including their family: “You overpower him forever and he perishes; You alter his visage and dispatch him. His sons attain honor and he does not know it; they are humbled and he is not aware of it” (Job 14:20–21). Apparently this argument is advanced to counter the belief that death is not so bad for a person who has died and left behind him many offspring, because his children perpetuate his name. But, according to Job, the deceased does not know whether his children are rich or numerous. Just as a dead person does not know what is happening to his children, so the children do not feel the pain of their dead father, who must bear his suffering alone.

Job does believe, however, that the dead suffer pain and distress on their own account: “He feels only the pain of his flesh, And his spirit mourns in him” (v. 22). The Talmudic sages expounded this verse as follows: “The worm is as painful to the dead as a needle in the flesh of the living? ... They know their own pain, they do not know the pain of others.”⁸⁸ According to the Aramaic Targum, “his flesh indeed suffers from the worms and his soul mourns in the [heavenly] tribunal.” Or, according to another version, “his flesh indeed suffers until his grave is closed and his soul mourns for him in the cemetery for seven days.” This brings to mind: “R. Hisda said: A person’s soul mourns over him all of the seven days that follow his death.”⁸⁹ According to the Talmud, the corpse also hears and understands what goes on in the house of mourning, and continues to have some power until it has been buried or disintegrated.⁹⁰ This is the reason for the custom that one must not speak ill of the dead; for the same reason, mourning customs were followed so as not to arouse the anger of the dead spirit. The idea that a dead person can still feel pain after death

⁸⁸ . B Berakhot 18b.

⁸⁹ . B Shabbat 152a.

⁹⁰ . B Shabbat 152b.

is also found in post-biblical literature, in Judith 16:17: “And they”—meaning the wicked—“will wail forever alive to the pain.”⁹¹

Tur-Sinai understands the verse from Job to say precisely the opposite.⁹² He renders it as “Only with his flesh on him doth he feel pain, and while his soul with him doth he mourn.” To this we should compare “his soul in his life,” meaning “during his lifetime” (Ps. 49:19). Nahmanides, similarly, explains that “the pain and sorrow of approaching death is meant.” This reading does not suit the context, which refers to what happens to a person after death and not during life.

In v. 22, *nefeš* ‘soul’ is parallel to *bašar* ‘flesh’; this is also found in “both soul and body” (Isa. 10:18) and “my soul thirsts for You, my body yearns for You” (Ps. 63:2 [1]). In these verses the *nefeš* is not the *nešamah* ‘soul’, which survives after death, but the entire body. Because Job denies the resurrection of the dead—“man lies down never to rise” (14:12)—we may wonder how he can say that the dead feel? The answer is that the dead do have some degree of sensation, but not the kind that can be considered to be “life.”

As we have seen, Sheol is a void, a place of total disconnection between the living and the dead. The dead know nothing about the living. There is also no connection between the dead and the Lord, which is why they cannot praise Him. These images of the netherworld and of the powerlessness of the dead first emerged during Josiah’s reform in the seventh century, which is found in the book of Kings: “Josiah also did away with the ghosts and familiar spirits, the idols and the fetishes—all the detestable things that were to be seen in the land of Judah and Jerusalem” (2 Kings 23:24). Job, written in the fifth century, continues in this vein: the dead know

⁹¹. In addition to the verse from the book of Judith, Pope cites Isa. 66:24 and Job 18:13. But as Gordis noted, the verses “describe only the physical destruction of the sinners.” See: Robert Gordis, *The Book of Job* (New York, 1978), p. 152; Marvin H. Pope, *Job*, p. 111.

⁹². N.H. Tur-Sinai, *The Book of Job*, p.244.

nothing about the living. Hence it is not surprising that Job offers graphic descriptions of the netherworld as a dark and repulsive place.

According to Psalms, as we have seen, the dead in the netherworld cannot praise the Lord. Lang holds that Josiah's reform led to the decline in the importance of the netherworld and dead ancestors.⁹³

From Josiah's time onward, the focus was on this world and the reward that human beings merit. Consequently, it is in his lifetime, and not in the hereafter, that God gives Job double what he had had before, providing him with health, family, and wealth (Job 12:10).

4. Enjoy this Life

If the underworld is a void, human beings must enjoy this life: "Whatever it is in your power to do, do with all your might. For there is no action, no reasoning, no learning, no wisdom in Sheol, where you are going" (Eccles. 9:10). Qohelet counsels human beings to live an active and vigorous life because the property and wisdom that attend them in life do not exist in the netherworld. In vv. 7–10 he stresses the importance of enjoying life, which is all there is; whereas, in death there is only void and emptiness. He enumerates five aspects of this enjoyment: food, drink, clothing, bathing and anointing the body, and married life. Elsewhere he castigates the pursuit of pleasure (2:1–12) and encourages human beings to fill their lives with enduring value. But a reading of 1:14–15 and 3:1–11 suggests that he doubts whether human beings have the power to change anything, because all is preordained.

The idea that one must enjoy life and live it to the fullest can also be found in the Epic of Gilgamesh. The innkeeper whom Gilgamesh encounters as he searches for the secret of immortality attempts to deter him from continuing his quest:

Thou, Gilgamesh, let full be thy belly,

⁹³. Bernhard Lang, "Afterlife: Ancient Israel's Changing Vision of the World Beyond," *BibRev* 4 (1988): 19.

Make thou merry by day and by night.
Of each day make thou a feast of rejoicing,
Day and night dance thou and play!
Let thy garments be sparkling fresh,
Thy head be washed; bathe thou in water.
Pay heed to the little one that holds on to thy hand,
Let thy spouse delight in thy bosom!
For this is the task of [mankind]!⁹⁴

The same five elements of the good life noted in Ecclesiastes appear here, too, and in the same order.⁹⁵ The lesson for Gilgamesh is that human beings do not live forever and that the gods created human beings to be mortal. Hence they must enjoy life and extract the most from it because life is transitory.

The Egyptian “Song of the Harpist,” also calls on human beings to enjoy life until death arrives:

Follow thy desire, as long as thou shalt live.
Put myrrh upon thy head and clothing of the fine linen upon thee,
Being anointed with genuine marvels of the god’s property.
Set an increase to thy good things;
Let not thy heart flag.
Follow thy desire and thy good.

⁹⁴ “The Epic of Gilgamesh,” *ANET*, Tablet X, iii: 6–14, p.90.

⁹⁵ Seow mention only four elements (1) feasting, (2) fresh clothing, (3) washing one’s head, and (4) family. See C. L. Seow, *Ecclesiastes* (AB 18c; New York, 1997), p. 306.

Fulfill thy needs upon earth, after the command of thy heart,
Until there come for thee that day of mourning.⁹⁶

The inscription in a late Hellenistic-period tomb found in Jerusalem instructs the living to enjoy their life: “You who are living, enjoy!”⁹⁷

Since the underworld is a void and human beings must enjoy this life, not surprisingly we find in the Wisdom Literature rejection of the resurrection concept. In his reply to Eliphaz, Job bids him “remember that my life is a breath; my eye will never again see good. ... As the cloud fades and vanishes, so he who goes down to Sheol does not come up. He returns no more to his house, nor does his place know him any more” (Job 7:7–10). A person who descends to the underworld will never return to his house. The verb here is *s.w.b*, the same found in the Lord’s curse that Adam will return to the ground. The denial of resurrection does seem to be clear in “so man lies down and does not rise [again]; they will not awaken until the heavens are no more, will not be aroused from their sleep” (Job 14:12).⁹⁸ Job believes in the eternity of the heavens; thus death is forever. Two verses later, Job asks a rhetorical question: “If a man dies, can he live again?” (v.14). Job knows the answer: the dead do not live again. If they could look forward to resurrection, there would be some hope for him. According to Robert Gordis, Job wants to accept the doctrine of resurrection, but ultimately realizes that he

⁹⁶. “A Song of the Harper,” trans. John A. Wilson, *ANET*, p. 467b. On this and other harper’s songs, see Miriam Lichtheim, “The Songs of the Harpers,” *JNES* 4 (1945): 178–212.

⁹⁷. P. Benoit, “L’Inscription grecque du tombeau de Jason,” *IEJ* 17 (1967): 112–113.

⁹⁸. The singular ²*iš* in the first half of the verse is a collective noun, whence the plurals in the second half. Orlinsky claims that “be aroused from their sleep” is a gloss on *yaqīšu* ‘awaken’ and that *yaqīšu* here is an Arabism. See Harry M. Orlinsky, “The Hebrew and Greek Texts of Job 14.12,” *JQR* 28 (1937–1938): 57–68.

cannot believe in it.⁹⁹ The doctrine of resurrection is also denied in Ecclesiastes (3:17–22). Ecclesiastes speaks of the injustice that prevails in the world and incidentally notes that there is no difference between human beings and animals; their destiny is identical, for all die in the end. According to Ecclesiastes, everything comes from the dust and returns to dust (cf. Gen. 3:19). As we mentioned before the authors of the Wisdom Literature belong to the social elite of their times, they enjoyed life and were not interested in any change. Thus, not surprisingly, we found out that they even rejected the notion of resurrection. More so in the Book of Job the focus was on this world and the reward that human beings merit. God is the God of the living and not the God of the dead. Therefore, some passages in the Bible certainly do personify Sheol as a lethal power, a demon. “Like Sheol, let us swallow them alive; whole, like those who go down into the Pit” (Prov. 1:12). What is more, “Sheol and Abaddon cannot be satisfied, nor can the eyes of man be satisfied” (Prov. 27:20).

5. Popular cult of the Dead

As we have seen, the Hebrew Bible says that the dead have no power and don’t know the living. On the other hand, we read in the story of Saul and the witch of Endor that the dead are aware of the living and their circumstances. Thus, how can we explain this contradiction? Reading the Hebrew Bible shows that the Bible mentions various ways of making contact with the dead, such as *’ov*, *yidde’oni*, and “inquiring of the dead.” These techniques are employed to gain knowledge of the future and thus to know what should be done to avert undesirable consequences. Another method for learning about the future is to offer sacrifices to the dead, in the belief that the dead know what the living do not. The dead are offered food because of the belief that they can influence events in the world of the living. The dead will help the living if the latter provide for their needs, but will hurt them if they are neglected. A popular cult of the dead,

⁹⁹ . Robert Gordis, *The Book of Job*, p. 150.

employed mainly to gain foreknowledge of future events, seems to have existed in ancient Israel, alongside the official and established Yahwist tradition. The popular cult was family-centered; only the family offered food and drink to its own dead ancestors. By contrast, the official cult served the political and historical needs of the monarchy.

The Bible is clearly antagonistic toward inquiries of the dead or providing them with food and drink. The prohibition of magic and necromancy, in Leviticus and Deuteronomy, is motivated by the fact that these were among the abhorrent rituals of the Canaanites, whom the Israelites dispossessed. The Bible does not deny that it is possible to communicate with the dead; but it totally proscribes the practice. It mentions sacrifices to the dead (Ps. 16:4; 106:28; Lev. 19:26; 1 Sam. 14:32–35; Ezek. 33:25), but always rejects them. Providing the dead with food was not part of Israelite culture, and when it did penetrate, was rebuffed by official circles.

Another ritual that the Bible associates with the worship of the dead and will not tolerate is the cult of Molech. It too was considered to be a Canaanite abomination and linked to the cult of the dead and of the chthonian gods, which biblical texts warn against.¹⁰⁰ In Deuteronomy this cult is associated with divination, soothsaying, augury, sorcery, and the various forms of necromancy (18:10–11). Even kings took part in it—Ahaz (2 Kings 16:13) and his grandson Manasseh, who, in addition to consigning his own son to the fire, “practiced soothsaying and divination, and made an *’ov* and *yidde’onim*” (2 Kings 21:6).

¹⁰⁰ In Akkadian texts, Malik appears on a list of deities along with Nergal the god of the world of the dead. The *mlk* of Ugarit, too, is a chthonian deity, whose residence is at *’ttrt*, which is also the abode of the god Rpu, who parallels the biblical Rephaim (shades of the dead). See: George C. Heider, *The Cult of Molek: A Reassessment* (Sheffield, 1985), pp. 118–141; J. Day, *Molech A God of Human Sacrifice in the Old Testament* (Cambridge, 1989), pp. 46–52.

Clearly many people, kings and commoners alike, believed in the potency of the dead. Over successive generations this belief seems to have become more tenacious, making it necessary to devalue it; it may also have been viewed as a rival to prophecy. The reforms of Hezekiah and later of Josiah sought to eradicate pagan abominations from Israel and to centralize the cult in Jerusalem. They promulgated a ban on necromancy, which had to be eliminated because it was considered to be impious. Now, as we saw, the biblical texts began describing the dead as powerless and ignorant of events in the world of the living. These reforms aimed to extirpate pagan abominations and to guide the people toward strict adherence to the path of the Lord and His Torah. A direct consequence was the reinforcement of the priesthood and prophecy as the sole channels for communications with God.¹⁰¹ Nevertheless, the cult of the dead seems to have held out for some time. Ezekiel voiced harsh criticism of the religious and ritual transgressions of those who remained in Judah, including the cult of Molech (16:20–21) and eating meat with its blood (33:25). Even in the Second Temple period we read of sacrifices to the dead, in Tobit's advice to his son Tobias: "Pour out your bread and wine in the tomb of the just, and give not to sinners" (Tob. 4:17). Similar

¹⁰¹. Bloch points out that the reform had underlying political and economic motives—to strengthen the priests and prophets as the sole source of contact with God. A ban on the competing channel of inquiring of the dead would guarantee the economic basis of the priests and prophets, who, among other things, would be sure to receive their tithes. Bloch adds that the reform was in the political interests of the regime, because inquiring of one's own dead ancestors, an activity that reinforced the tribal structure, was replaced by consultation with the national god, whose emissary was the king. See: Elizabeth Bloch-Smith, *Judahite Burial Practices and Beliefs about the Dead* (JSOTSup 123; England, 1992), p. 131; Smith and Bloch-Smith, "Death and Afterlife in Ugarit and Israel," p. 282; For similar view see: Rachel Hallote, *Death, Burial, and Afterlife in Biblical World: How the Israelites and Their Neighbors Treated the Dead* (Chicago, 2001), p. 62; Joseph Blenkinsopp, "Deuteronomy and the Politics of Post-Mortem Existence," *VT* 45(1995):1.

advice is offered in the Book of Ben Sira: "Give graciously to all the living, and withhold not kindness from the dead." (Sir 7:33). In the book of Ahiqar the sage says: "My son, pour out your wine on the graves of the righteous rather than drink it with evil men." (Syr 2:10)

6. Conclusion

Many people, kings and commoners alike, believed in the powers of the dead. Even in the Second Temple period we read of sacrifices to the dead. On the other hand, in the Wisdom Literature Sheol is a void. The dead know nothing about the living, the dead have no power. There is no connection between the dead and the living. The dead are in a condition of utter silence in Sheol and cannot praise the Lord. By contrast we encounter the notion that only the living can praise the Lord. This negative description is a direct co of the ritual reforms introduced by Hezekiah and later of Josiah against the cult of the dead. They sought to eradicate pagan abominations from Israel and to consolidate the cult in Jerusalem. They promulgated a ban on necromancy, which had to be eliminated because it was considered to be sinful. All those negative descriptions of Sheol come from the Wisdom Literature, whose authors belonged to the social elite. They enjoyed life and were not interested in any changes. They rejected the idea of resurrection and believed that the focus should be on this world and the reward that human beings merit. We must enjoy life now, they insist, because it is transitory. Hence they viewed the underworld as the final station of life. Thus, not surprisingly we read in the Book of Ecclesiastes: "For he who is reckoned among the living has something to look forward to—even a live dog is better than a dead lion—since the living know they will die. But the dead know nothing; they have no more recompense, for even the memory of them has died. Their loves, their hates, their jealousies have long since perished; and they have no more share till the end of time in all that goes on under the sun." (Eccles. 9:4-6).

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